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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/061,861	02/01/2002	R. Brad Campbell	PM 2000.097	2381

7590 06/16/2003

ExxonMobil Upstream Research Company
P.O. Box 2189
Houston, TX 77252-2189

EXAMINER

LEE, JONG SUK

ART UNIT

PAPER NUMBER

3673

DATE MAILED: 06/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/061,861

Applicant(s)

CAMPBELL ET AL.

Examiner

Jong-Suk (James) Le

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 39-43 is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-21, 24-34 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 22, 23 and 35-38 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Serial Number: 10/061,861

Art Unit: 3673

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DETAILED ACTION

1. The amendment filed May 5, 2003 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 4, 7-10, 13-19, 21, 24-27 and 30-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Bartholomew et al. (US 4,646,840).

Bartholomew et al. discloses a floatation riser device comprising of: at least one buoyancy element/buoyance can/housing (22); a frame comprising a plurality of vertical tubular members (A, B) externally disposed to the at least one buoyancy element (22) and a plurality of connectors (32, 33, C) securing the vertical members to a riser stem pipe (28), the riser stem pipe secured to the riser (24), the one or more connectors (32, 33, C) having a first connector positioned above the buoyancy element and a second connector positioned below the buoyant element (22) and the connectors comprising of radial arms © and perforated plates/flanges (32, 33); one or more gas

Serial Number: 10/061,861

Art Unit: 3673

1 service lines (42, 62a-f) positioned within the frame and enter the buoyancy can (22) as depicted
2 in Fig. 4; the frame further comprises at least one horizontal bracing member (38, 40) which are
3 radially arched/circled (see Figs. 1-6 and attached figure; col.2, lines 39-68; col.3, lines 1-67;
4 col.4, lines 1-28).

5
6 *Claim Rejections - 35 USC § 103*

7 4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness
8 rejections set forth in this Office action:

9 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
10 section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
11 such that the subject matter as a whole would have been obvious at the time the invention was made to a person
12 having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the
13 manner in which the invention was made.

14 This application currently names joint inventors. In considering patentability of the claims
15 under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was
16 commonly owned at the time any inventions covered therein were made absent any evidence to
17 the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor
18 and invention dates of each claim that was not commonly owned at the time a later invention was
19 made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35
20 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).
21

22 5. Claims 3 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over
23 Bartholomew et al. in view of Johnson (US 4,477,207). The teachings of Bartholomew et al. have
24 been discussed above.

25 However, Bartholomew et al. fails to disclose or fairly suggest the buoyancy element

Serial Number: 10/061,861

Art Unit: 3673

1 being syntectic foam. Johnson discloses a marine riser buoyancy assembly including a buoyancy
2 element (10) being made of syntectic foam (see Figs. 1-2; col.3, lines 40-64).

3 Therefore, in view of Johnson, it would have been obvious to one of the ordinary skill in
4 the art at the time the invention was made to replace the buoyancy can of Bartholomew et al. with
5 the syntactic foam material in order to reduce the manufacturing cost without having associated
6 parts for providing the air/gas supply to the buoyancy can of Bartholomew et al.

7
8 6. Claims 11, 12, 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over
9 Bartholomew et al. in view of Marshall (US 5,447,392). The teachings of Bartholomew et al.
10 have been discussed above.

11 However, Bartholomew et al. fails to disclose or fairly suggest the frame being positively
12 or neutrally buoyant in water. Marshall discloses a riser support system comprising of a riser
13 (12A) passing through a tubular frame with a guided buoy (32) attached to the tubular frame as
14 depicted in Fig. 2 (see col.3, lines 26-57).

15 Therefore, in view of Marshall, it would have been obvious to one of the ordinary skill in
16 the art at the time the invention was made to add the guided buoy to the tubular frame of
17 Bartholomew et al. in order to increase the angular flexure that a given tubular frame can
18 accommodate.

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Serial Number: 10/061,861

Art Unit: 3673

Response to Arguments

7. Applicant's arguments with respect to claims 1 and 18 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

8. Claims 5, 6, 22, 23 and 35-38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claims 39-43 would be allowable over the prior art of record.

Conclusion


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jong-Suk (James) Lee whose telephone number is (703) 308-6777. The examiner can normally be reached between the hours of 6:30 AM to 3:00 PM Monday thru Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather C. Shackelford, can be reached on (703) 308-2978. The fax phone number for this Group is (703) 305-3597.

Serial Number: 10/061,861

Art Unit: 3673

1 Any inquiry of a general nature or relating to the status of this application or proceeding
2 should be directed to the Group receptionist whose telephone number is (703) 308-2168.

3
4 J. Lee /jjl
5 June 11, 2003


6 **Jong-Suk (James) Lee**
7 **Primary Examiner**
8 **Art Unit 3673**
9

10
11 Attachment: Fig. 2 of Bartholomew et al. (US 4,646,840)

